

AMENDED IN ASSEMBLY SEPTEMBER 1, 2005

AMENDED IN SENATE MAY 26, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 239**

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**Introduced by Senator Romero**  
**(Coauthors: Senators Kuehl and Speier)**  
*(Coauthors: Assembly Members Bass, Goldberg, and Jones)*

February 15, 2005

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An act to add Section 6357 to the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 239, as amended, Romero. Corrections: media access.

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would require the Department of Corrections *and Rehabilitation*, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified, and would prohibit the interview of a prisoner or parolee against his or her will. The bill would ~~require the department to permit the news media to receive confidential correspondence from a prisoner, except as specified, and would~~ forbid retaliation against an inmate for participating in a visit by, *or a communication with*, a representative of the news media.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature in enacting this  
2 act to facilitate the public's ability to obtain information, through  
3 the news media, about the operation of the state's prisons and the  
4 effectiveness of its laws and to hold inmates publicly accountable  
5 for their words and actions. Representatives of the news media  
6 may visit a prison for the purpose of preparing such reports about  
7 the institution, including by interviewing individual prisoners.  
8 The intent of this act is to insure a better-informed public, not to  
9 provide publicity for an inmate.

10    SEC. 2. Section 6357 is added to the Penal Code, to read:

11    6357. (a) The Department of Corrections *and Rehabilitation*,  
12 upon reasonable notice, shall permit representatives of the news  
13 media to interview prisoners in person, including prearranged  
14 interviews with specified prisoners and individuals encountered  
15 by a representative of the news media while covering a facility  
16 tour, activity, event or program. Either an inmate or a  
17 representative of the news media may initiate a request for a  
18 personal interview at an institution.

19    (b) During any interview with a prisoner, a representative of  
20 the news media may use materials necessary to conduct the  
21 interview, including, but not limited to, pens, pencils, papers, and  
22 audio and video recording devices.

23    (c) A news media representative who desires to conduct a  
24 personal interview at an institution shall make the request within  
25 a reasonable time period prior to the requested interview in  
26 writing to the warden or through contact with the institution's  
27 public relations office.

28    (d) Staff shall notify an inmate of each interview request, and  
29 no interview shall be permitted without the inmate's consent.

30    (e) An inmate may not receive compensation or anything of  
31 value for interviews with the news media.

32    (f) The warden or the warden's designated public relations or  
33 custodial official shall, within 48 hours of receiving an interview  
34 request, notify the news media representative making the request  
35 whether the interview has been granted.

36    (g) After the warden or the warden's designated public  
37 relations or custodial official grants a request of an interview,  
38 staff shall, at least two business days prior to the interview, notify

1 any victims of an inmate who have previously notified the  
2 warden or Department of Corrections *and Rehabilitation* that  
3 they wish to be contacted in the event of an interview request that  
4 an interview has been granted.

5 (h) The warden or his or her designee may deny a personal  
6 interview with a particular prisoner if it is determined that the  
7 interview would pose an immediate and direct threat to the  
8 security of the institution or the physical safety of a member ~~to~~ of  
9 the public. Within a reasonable period of time, the representative  
10 of the news media shall receive an explanation of the specific  
11 reasons for the denial. In order to ensure the security of the  
12 institution, the physical safety of the public and the efficient  
13 administration of news media interviews, the department may  
14 establish reasonable time, place, and manner restrictions for  
15 prison interviews, including limitations on the number of  
16 interviews per prisoner in a specified time period, limitations on  
17 the amount of audio, video and film equipment entering the  
18 facility and arrangements for pool interviews if the number of  
19 journalists requesting to interview any one prisoner is excessive.

20 ~~(i) The department shall permit the news media to exchange~~  
21 ~~confidential correspondence with a prisoner unless to do so~~  
22 ~~would pose an immediate and direct threat to the security of the~~  
23 ~~institution or the safety of the public.~~

24 ~~(j)~~  
25 (i) No prisoner or parolee may have his or her visitation  
26 limited or revoked because of a visit or potential visit from a  
27 representative of the news media, nor may a prisoner or parolee  
28 be punished, reclassified, disciplined, transferred to another  
29 prison against his or her wishes, or otherwise retaliated against,  
30 for participating in a visit by, *or a communication with,* a  
31 representative of the news media.

32 ~~(k)~~  
33 (j) Interviews shall not be subject to auditory monitoring.

34 ~~(l)~~  
35 (k) For the purposes of this section, “representative of the  
36 news media” means a journalist who works for, or is under  
37 contract to, a newspaper, magazine, wire service, book publisher,  
38 or radio or television program, or station or who, through press  
39 passes issued by a governmental or police agency, or through  
40 similar convincing means, can demonstrate that he or she is a

- 1 bona fide journalist engaged in the gathering of information for
- 2 distribution to the public.

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